UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,721	07/24/2003	Michel Chevanne	Q76452	8118

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EXAMINER
DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
2152	

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10/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/625,721	CHEVANNE ET AL.
		Examiner	Art Unit	
		Thomas J. Dailey	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29,31-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29 and 31-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. Claim 30 was canceled by the amendment filed on July 31, 2007.

2. Claims 31-34 were added by the amendment.

3. Claims 1-29 and 31-34 are pending.

Response to Arguments

4. Applicant's arguments with respect to the 35 U.S.C. 102 rejections to claims 1-9,

13-23, and 27-30 have been considered but are moot in view of the new

ground(s) of rejection.

5. The applicant neither argued against nor amended to overcome the 35 U.S.C.

112 second paragraph rejections directed at claims 10 and 24 presented on page

6, paragraph 15 of the previous office action. Therefore, these rejections have

been maintained.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

7. Claims 10-12, 14, 24-25, 29, and 31-34 are rejected under 35 U.S.C. 112,

second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as the invention.

8. Claims 10 and 24 recite on lines 3-4, "and then to simulate the sending of primary data representing said state information." It is unclear how the data processing device can simulate "sending primary data representing said state information." As claim 1 recites, "A data processing device comprising processing means capable of receiving, from equipment in a communications network, primary data," (lines 1-2). The simulation appears to run contrary to what was previously claimed (receiving versus sending).

9. Claim 14 recites, "a processing device **for receiving**...primary data defining events" (lines 2-3). This is an intended use limitation; language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (intended use language being one such example). Therefore, the claims are rendered indefinite as it is unclear what, specifically, the applicant intends to claim. It should recite something along the lines of "a processing device *that receives*...primary data defining events."

10. Claim 29 recites, "the communications network **can be** any type of communications network selected from a group consisting of..." Language that suggests or makes optional but does not require steps to be performed (such as **can be**) or does not limit a claim to a particular structure does not limit the scope

of a claim or claim limitation. Therefore, the claims are rendered indefinite as it is

unclear what, specifically, the applicant intends to claim.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

12. Claims 1-2, 5-9, 13-16, 19-23, and 27-29 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Spencer (US Pat. 6,253,243) in view of Coley et al (US

Pat. 5,751,914), hereafter "Coley."

13. As to claim 1, Spencer discloses a data processing device comprising:

processing means for receiving, from an equipment in a communications

network, primary data defining events in at least one primary format (column 5,

lines 28-35 and column 6,lines 50-52, SNMP traps read on primary data) and

delivering to a management device in said network secondary data defining

alarms representing said events, in a secondary format (column 6, lines 50-55),

wherein said processing means comprise an interpreter provided with a plurality

of conversion rules, arranged in the form of scripts associated with at least one

primary event formats (column 7, line 66 – column 8, line 28), and

arranged so as to convert, by means of said rules, primary data received in

one of said primary formats into secondary data in said secondary format which

can be interpreted by said management device (column 6, lines 50-55).

But, Spencer does not disclose the plurality of conversion rules associated

with a plurality of different event formats. Rather, the conversion is one-to-one

occurring from SNMP to CMIP.

However, Coley discloses conversion rules associated with a plurality of

different event formats (column 8, lines 26-39).

Because both Spencer and Coley teach methods of converting events (such

as SNMP traps) to a secondary format, it would have been obvious to one skilled

in the art to substitute one method for the other to achieve the predictable result

of being able to convert a plurality of event formats into a common format.

14. As to claim 14 and 15, they are rejected by the same rationale set forth in claim

1's rejection.

15. As to claims 2 and 16, Spencer discloses wherein said interpreter is arranged to make said conversions into a secondary configuration file format by means of an interpreted language (column 5, lines 60-65).

16. As to claims 5 and 19, Spencer discloses wherein, when there are primary data associated respectively with event identifiers, said interpreter is arranged to store at least some of said rules in correspondence with known event identifiers (column 7, lines 5-31).

17. As to claims 6 and 20, Spencer discloses wherein said interpreter is arranged to store at least one conversion rule defining a default script intended for the primary data associated with an unknown event identifier (column 7, line 66-column 8, line 4).

18. As to claims 7 and 21, Spencer discloses wherein said interpreter is arranged to deduce alarm parameters from certain primary data received, so as to deliver a parameterized alarm to said management device (column 7, line 5-31 and column 7, line 66-column 8, line 28).

19. As to claims 8 and 22, Spencer discloses wherein said interpreter is arranged to deliver to said management device alarms parameterized by hard-coded values (column 9, lines 4-23).

20. As to claims 9 and 23, Spencer discloses wherein said interpreter is arranged to deliver to said management device alarms parameterized by values extracted from said primary data (column 9, lines 4-23).

21. As to claims 13 and 27, Spencer discloses wherein said primary data are received in primary formats of the SNMP type (column 6, lines 50-52).

22. As to claim 28, Spencer discloses use of the data processing method as claimed in claim 15 in network technologies which have to be managed (Abstract).

23. As to claim 29, Spencer discloses use as claimed in claim 28, wherein the communications network can be any type of communications network selected from a group consisting of: WDM, SONET, SDH type, data networks, IP, ATM, mobile and NGN type (Abstract).

24. Claims 3-4 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer and Coley as applied to claims 2 and 16 above, in further view of what was well known and expected in the art at the time of the invention.

25. As to claims 3 and 17, Spencer and Coley disclose the invention substantially with regard to the parent claims 2 and 16 above, but do not disclose said secondary configuration file format is XML.

However, at the time of the invention, XML was a well known and widely used file format and one of ordinary skill in the art would readily appreciate and recognize the obviousness of using XML as the converted format in both Spencer's and Coley's systems, as using XML only requires a simple substitution of a known format and would achieve the predictable result of converting heterogeneous events into a common format.

26. As to claims 4 and 18, Spencer and Coley disclose the invention substantially with regard to the parent claims 2 and 16 above, but do not disclose said interpreted language is selected from a group consisting of JavaScript, VisualBasic, TCL, Perl and Python.

Rather, Spencer discloses the use of C++ (column 5, lines 60-65).

However, at the time of the invention, JavaScript, Visual Basic, TCL, Perl, and Python were a well known and popular alternatives to C++ and one of ordinary skill in the art would readily appreciate and recognize the obviousness of using any one of them in place of C++, as it would only require a simple substitution

and would achieve the predictable result of the both Spencer's and Coley's

disclosed inventions.

27. Claims 10-12, 24-26, and 31-34 are rejected under 35 U.S.C. 103(a) as being

   unpatentable over Spencer and Coley as applied to claims 7 and 21 above, and

   further in view of Stilwell et al (US Pat. 5,907,696), hereafter "Stilwell."

28. As to claims 10 and 24, Spencer and Coley discloses the invention substantially

   with regard to the parent claims 7 and 21, and further discloses when the alarm

   state of an item of equipment in the network is unknown, said interpreter is

   arranged to extract from said equipment chosen information able to allow said

   alarm state (Spencer, column 6, lines 12-23).

   But, Spencer does not disclose simulating the sending of SNMP traps

   (primary data), so as to generate an alarm intended to indicate to the

   management device the alarm state of said equipment.

   However, Stilwell discloses simulating the sending of SNMP traps (primary

   data), so as to generate an alarm intended to indicate to the management device

   the alarm state of said equipment (Abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Spencer and Coley with Stilwell in order to ease the burden of the user by allowing them to test the inter-operability of one computer device with other devices to confirm the one device functions as intended (Stilwell, column 2, lines 37-45).

29. As to claims 11 and 25, Spencer, Coley, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose wherein said interpreter is arranged to deliver to said management device alarms parameterized by values extracted from the equipment from which it has received the primary data (Spencer, column 7, line 5-31 and column 7, line 66-column 8, line 28).

30. As to claims 12 and 26, Spencer, Coley, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose wherein said interpreter is arranged to extract said information or values from a management information base of the equipment concerned (Spencer, column 4, lines 53-67).

31. As to claims 31 and 33, Spencer, Coley, and Stilwell disclose the invention substantially with regard to the parent claims 10 and 24, and further disclose said

chosen information resides in a management information base of said equipment

concerned (Spencer, column 4, lines 48-52).

32. As to claims 32 and 34, Spencer, Coley, and Stilwell disclose the invention

substantially with regard to the parent claims 10 and 24, and further disclose the

alarm state of said equipment is synchronized or resynchronized using said

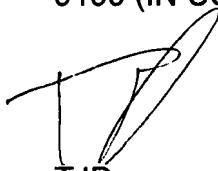extracted chosen information (Spencer, column 6, lines 26-32).
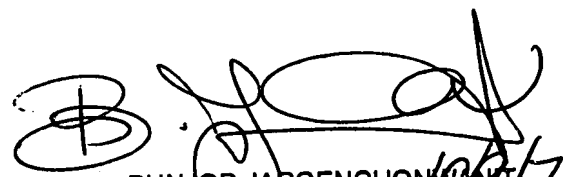

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

35. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Thomas J. Dailey whose telephone number is
571-270-1246. The examiner can normally be reached on Monday thru Friday;
9:00am - 5:00pm.

36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax
phone number for the organization where this application or proceeding is
assigned is 571-273-8300.

37. Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR
only. For more information about the PAIR system, see http://pair-
direct.uspto.gov. Should you have questions on access to the Private PAIR
system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-
free). If you would like assistance from a USPTO Customer Service
Representative or access to the automated information system, call 800-786-
9199 (IN USA OR CANADA) or 571-272-1000.

TJD
10/03/2007

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